



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 29, 2022

BY ECF

Hon. J. Paul Oetken
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Anthony Perez, 22 Cr. 333 (JPO)

Dear Judge Oetken:

The Government writes, with the consent of the defense, to request an adjournment to the briefing schedule for the defendant's pending motion to dismiss count three of the above-captioned Indictment. (ECF No. 18). Presently, the Government's opposition is due on January 6, the defendant's reply is due on January 20, and oral argument is scheduled for 2:30 p.m. on February 28, 2023. (ECF Nos. 15, 17).


The issue that the defense raises in its motion to dismiss—whether a substantive Hobbs Act robbery is a “crime of violence” for purposes of 18 U.S.C. § 924(c)—is currently being briefed before the Second Circuit in *United States v. Barrett*, No. 21-1379 (2d Cir.). The Government's brief in *Barrett* is due on February 15, 2023. In order to align the briefing in this matter with that of *Barrett*, the Government respectfully requests that its opposition in this case be due on February 15, 2023, that the defendant's reply be due on March 1, 2023, and that oral argument be rescheduled to a date thereafter as convenient for the Court.¹ The defense does not object to this request.

¹ A similar motion is pending before Judge Liman in *United States v. Ramos*, 22 Cr. 431 (LJL), and the Government intends to ask for a similar briefing schedule in that case.

The Court has already excluded Speedy Trial Act time through February 17, 2023, and, in light of the pending motion, the Government does not believe an additional exclusion is necessary. *See* 18 U.S.C. § 3161(h)(1)(D).

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: 
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cc (by ECF): Clay Kaminsky, Esq.

Granted. The amended motion schedule proposed herein is hereby adopted. Oral argument is adjourned to March 14, 2023 at 11:00am
So ordered.
1/3/2023


J. PAUL OETKEN
United States District Judge